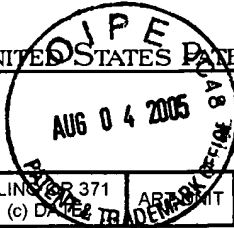


Rock - Away
ZPW



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APPL NO.	FILING NO. 371 (c) DATE TRADEMARK RECEIVED	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLMS	IND CLMS
10/649,696	08/28/2003	3751	735		2	12	8

Thomas H. Birmingham
1424 Hamilton Street, NW
Washington, DC 20011

CONFIRMATION NO. 9736

UPDATED FILING RECEIPT



OC000000012039027

Date Mailed: 03/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Thomas Harlan Birmingham, Washington, DC;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 11/22/2003

Projected Publication Date: 03/03/2005

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Rock-away

Preliminary Class

004



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AUG 04 2005

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/649,696	08/28/2003	Thomas H. Birmingham	

Thomas H. Birmingham
 1424 Hamilton Street, NW
 Washington, DC 20011

CONFIRMATION NO. 9736

FORMALITIES LETTER



OC000000011344145

Date Mailed: 11/24/2003

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)). *DBL*
- Replacement claim(s) commencing on a separate sheet in compliance with 37 CFR 1.75(h) and 1.121 is required.

The following item(s) appear to have been **omitted** from the application:

- Page(s) 1 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of

a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$360** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$360** for a Small Entity

- Total additional claim fee(s) for this application is **\$360**
 - **\$215** for 5 independent claims over 3.
 - **\$145** for multiple dependent claim surcharge.

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- A new oath or declaration, identifying this application number is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:
 - does not identify the residence (e.g., city and either state or foreign country) of each inventor.
 - does not identify the citizenship of each inventor.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

kidist Tesfaye

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



WHAT IS CLAIMED IS:

1. The Rock-Away will ease bowel movements through the rocking activity as controlled by the user, or by an assistant. The bottom seat of the Rock-Away will be extended 2 inches and bolted directly to the water closet installations, as are toilet seats presently attached, on those installations where new water closets are being installed.

An additional water closet lid will be provided to close-off the water closet when not in use, on new installations, by lengthening the hinges two inches, in order to fold over and close off the Rock-Away opening.

Casters will facilitate the activity described in CLAIM 1, and at the same time provide for mobility of the chair, plus removal of wastes for children and handicapped adults.

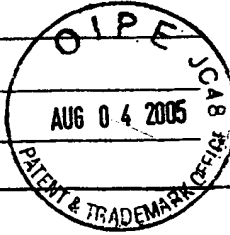
2. An attachment as in CLAIM 1, the invention is a toilet seat for encouraging human bowel movements comprising vertically spaced spring base and seat members which translate a through evacuation passage; and means of supporting the seat member on the base member which allows the seat member to rock relative to the base member as the weight of the human occupant is shifted back and forth. The seat of CLAIM (1) wherein the supporting means is defined by sets of 4 coils, compression springs, whereby the seat member may shift laterally as well as rock vertically to the base member.
3. An attachment as in CLAIM 1, includes a protective cover of elastic material enclosing the base and seat member, and the supporting means.

TRANSMITTAL LETTER

TO: COMMISSIONER OF PATENTS
AND TRADEMARKS

ATTN: HU YEN LE

DATE: JULY 28, 2005



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1	1/23/04 " " " " " " " "	✓						
1	1/23/04 OIPE POST CARD " " " "	✓						
1	UPDATED FILING RECEIPT	✓						
1	FORMALITIES LETTER	✓						
1	CLAIM SHEET	✓						

REMARKS:

PLEASE INFORM
ME AS TO WHETHER
THIS SUBMISSION
IS SATISFACTORY.
DOES THIS PROVE MY
CASE WAS NEVER
ABANDONED?

SIGNATURE

Ronald Birmingham

1424 Hamilton Street, N.W. Washington, D.C. 20011 (202) 882-3883

Thomas H. Birmingham 10-88
Mary C. Birmingham
1424 Hamilton St., NW
Washington, DC 20011

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Date 8/28/03



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The Rock Away Cabinet

Thomas H. Birmingham

⑆054000030⑆

15321886 4399

⑆0000037500⑆

MR. THOMAS H. BIRMINGHAM
MRS. MARY C. BIRMINGHAM
1424 HAMILTON ST. NW
WASHINGTON, DC 20011

318

Date

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For

PATENT - "THE ROCK AWAY" Cabinet

⑆054000030⑆

25686387 0318

⑆0000036000⑆

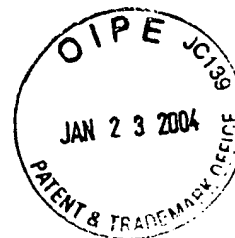
©Curke American

MODERNIST DESIGN 1880 • 1940

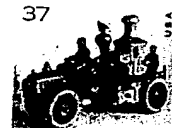
Ernest Archibald (E. A.) Taylor (British, 1874-1951)
Display Cabinet, c. 1898
Mahogany
Height 68 1/2 in. x Width 36 in. x Depth 17 1/4 in.
89-22

- 1-FORMALITIES LETTER
- 1-FEE TRANSMITTAL LETTER
- 1-UTILITY PATENT TRANSMITTAL
- 1-STATEMENT CLAIMING SMALL ENTITY
- 1-THE ROCKAWAY
- 1-BACKGROUND OF THE INVENTION
- 1-SUMMARY OF THE INVENTION
- BRIEF DESCRIPTION OF DRAWINGS
- 1-CLAIMS
- 1-CLAIMS
- 1-COIL SPRING
- P2 COIL SPRING
- 1-ABSTRACT
- 1-ROCK-AWAY W.C. ATTACHMENT
- 1-PLAN VIEW
- 1-SECTION THRU COIL SPRING

Pomona, CA 91768-0022, Petaluma, CA 94951



37



To
THOMAS H. BIRMINGHAM
1424 HAMILTON ST.
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WASH., D.C.
20011

CHECK # 318 FOR \$ 360.00

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"THE ROCK-AWAY"